

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Yuan Hua Guo,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of the
Department of Homeland Security, et al.,

Defendants.

Case Number C 07-6339 JF (PVT)

ORDER TO SHOW CAUSE

On December 13, 2007, Plaintiff Yuan Hua Guo (“Guo”) filed the instant “Complaint For Writ in the Nature of Mandamus & Declaratory Judgment.” Guo asserts that Defendants have failed to process his I-485 Application to Adjust to Permanent Resident Status (“application”) in a timely manner.

Guo alleges the following facts: he is a citizen of Australia. Guo currently resides in Saratoga, California. On March 7, 2005, Guo and his wife, represented by attorney James Cai, filed a joint application with the United States Citizenship and Immigration Services (“USCIS”). Guo and his wife were interviewed by USCIS on June 16, 2005. Guo has supplied the USCIS with the documents necessary to establish he and his wife’s eligibility for Permanent Resident

1 Status and has exhausted his administrative remedies. More than two years has passed since
2 Guo's attorney filed the application and it has yet to be adjudicated. The delay in the processing
3 of the application has resulted in various hardships for Guo and his wife, including, but not
4 limited to, their inability to travel freely into and out of the United States, and to become
5 naturalized United States citizens.

6 Guo alleges that Defendants, by failing to timely process the application, have violated
7 the Administrative Procedures Act, 5 U.S.C § 701 et. seq. Guo requests that the Court require
8 Defendants to properly adjudicate and approve he and his wife's application.

9 Good cause appearing, IT IS HEREBY ORDERED as follows:

- 10 (1) The Clerk of the Court shall serve a copy of the complaint and a copy of this
11 Order upon counsel for Defendants, the Office of the United States Attorney. The
12 Clerk of the Court also shall serve a copy of this Order upon Plaintiff.
- 13 (2) Defendants shall, within sixty (60) days after receiving service of the complaint,
14 show cause in writing why the relief prayed for should not be granted.
- 15 (3) Plaintiff may file a response to Defendants' filing within twenty (20) days after
16 receipt of such filing.
- 17 (4) Unless otherwise ordered by the Court, the matter will be deemed submitted upon
18 the filing of the response or upon the expiration of time to file a response.

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20 IT IS SO ORDERED.
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23 DATED: January 7, 2008

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26 JEREMY FOGEL
27 United States District Judge
28

Copies of Order served on the following persons:

James Cai
Schein & Cai LLP
100 Century Center Court, Suite 315
San Jose, California 95112

Office of the United States Attorney
150 Almaden Blvd., Suite 900
San Jose, CA 95113